

# **EXHIBIT OO**

## DEA Audit 9~01~09

(9:10-3:00)

Picked 6 items to audit:

1. 3881099 – Oxycontin 10mg
2. 3881106 – Oxycontin 20mg
3. 3881113 – Oxycontin 40mg
4. 3881120 – Oxycontin 80mg
5. 3880229 – Methadone 10mg
6. 3880440 – Ritalin 20mg (replaced 3880233, which is deleted)

Brenda sent audit reports to Infopac (RX), printed out 4 of the 6 reports and used document direct for the last two.

### Requests:

- Total stores serviced: 4198
- Asked to see our DC6045 222 forms that are used for supplier PO's
- List of suppliers
- Copy of DEA registration for DC6045
- Copy of Arkansas State B.O.P certificate
- List of POA signers
- Pulled 106 reports involving audit items within the 6 month time frame
- Previous days 3481 report
- Looked at 3 recent PO's delivered via truck line
- Tested alarm system
- Inventoried the 6 audit items after pick was done

U.S. DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATIONNOTICE OF INSPECTION  
OF CONTROLLED PREMISES

DEA USE ONLY

FILE NUMBER

|  |                   |                                   |
|--|-------------------|-----------------------------------|
| NAME OF INDIVIDUAL<br><u>Mike Mullin</u>                       |                   | TITLE<br><u>General Manager</u>   |
| NAME OF CONTROLLED PREMISES<br>WAL-MART PHARMACY WAREHOUSE #45 |                   | DEA REGISTRATION NO.<br>RW0282145 |
| NUMBER AND STREET<br>1201 MOBERLY LANE                         |                   | DATE<br>09-01-2009                |
| CITY AND STATE<br>BENTONVILLE, AR                              | ZIP CODE<br>72716 | TIME (initial inspection)         |

STATEMENT OF RIGHTS

1. You have a constitutional right not to have an administrative inspection made without an administrative inspection warrant.
2. You have the right to refuse to consent to this inspection.
3. Anything of an incriminating nature which may be found may be seized and used against you in a criminal prosecution.
4. You shall be presented with a copy of this Notice of Inspection.
5. You may withdraw your consent at any time during the course of the inspection.

ACKNOWLEDGMENT AND CONSENT

I, MIKE MULLIN, have been advised of the above Statement of Rights  
(Name)

by DEA INV GEORGE GADD, who  
(Title and Name)

has identified himself/herself to me with his/her credentials and presented me with this Notice of Inspection containing a copy of sections 302(f) and 510(a), (b) and (c) of the Controlled Substances Act (21 U.S.C. 822(f) and 21 U.S.C. 880(a), (b) and (c), printed hereon, \* authorizing an inspection of the above-described controlled premises. I hereby acknowledge receipt of this Notice of Inspection. In addition, I hereby certify that I am the General Manager

(President) (Manager) (Owner)

for the premises described in this Notice of Inspection; that I have read the foregoing and understand its contents; that I have authority to act in this matter and have signed this Notice of Inspection pursuant to my authority.

I understand what my rights are concerning inspection. No threats or promises have been made to me and no pressure of any kind has been used against me. I voluntarily give consent for inspection of these controlled premises.

M. Mullin  
(Signature)

09-01-2009

(Date)

## WITNESSES:

DI GEORGE GADD [Signature] 09-01-2009  
(signed) (date)

DI INEZ DAVIS [Signature] 09-01-2009  
(signed) (date)

\* See Reverse

**To:** Diane Kazimi - d0kazim  
**Cc:** Mike Mullin  
**Subject:** 6045 DEA Audit Summary 090109  
**Attachments:** 6045 DEA Audit Summary 090109.rtf



6045 DEA Audit  
Summary 090109....

Attached is the Audit Summary I sent to my General Manager Mike Mullin. The DEA did not leave any reports, directives, or action plans. If they do send a summary report I will send you a copy.

Please let me know if you need something else!

Thanks,  
Jim

Jim Sherl Operations Manager-Logistics  
Pharmacy Distribution 07-6045  
Phone 479.273-7588 Fax 479.273-2809  
jimmie.sherl@wal-mart.com

Wal-Mart Stores, Inc.  
1201 Moberly Lane  
Mail Stop 595  
Bentonville, AR 72716  
Save Money. Live Better.

**To:** Diane Kazimi - d0kazim  
**Cc:** Mike Mullin  
**Subject:** RE: DEA Inspection dated 9/1/09, Inspection ID #133880, Site 9044  
Sorry, but I was off last week! Did you not receive the on-line report I filled out?  
Thanks,  
Jim

Jim Sherl Operations Manager-Logistics  
Pharmacy DC 6045  
Phone 479.273-7588 Fax 479.273-2809

jimmie.sherl@wal-mart.com  
Save Money. Live Better.

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**From:** Diane Kazimi - d0kazim  
**Sent:** Friday, September 25, 2009 1:56 PM  
**To:** Jimmie Sherl  
**Subject:** FW: DEA Inspection dated 9/1/09, Inspection ID #133880, Site 9044

Fax # 479-273-1986

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**From:** Diane Kazimi - d0kazim  
**Sent:** Friday, September 25, 2009 1:55 PM  
**To:** Jimmie Sherl  
**Subject:** DEA Inspection dated 9/1/09, Inspection ID #133880, Site 9044

Hi Jimmie,

I was unable to reach you by phone. We have not received a copy of this inspection. Please fax this inspection to the following fax number to ensure I receive it.

Thank you

**Diane Kazimi Assistant/Compliance Coordinator**  
**Paula Barton Sr. Director,**  
**Health & Wellness Compliance**  
Phone 479.277.9412 Fax 479.273.1986  
diane.kazimi@wal-mart.com

Wal-Mart Stores, Inc.  
702 SW 8th Street  
Bentonville, AR. 72716-0230  
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**To:** Mike Mullin

**Subject:** 6045 DEA Audit Summary 090109

On 09/01/09 DEA Agents George Gadd and Inez Davis @ 9:15AM arrived @ DC 6045 to conduct an audit of the facility. The following bullet points highlights the audit and respective dispositions.

The two agents presented proper identification and were signed in by AP. Sr. Director of Pharmacy Distribution Tim Harris was notified of the visit.

The two Agents were brought to the GM Mike Mullins office where they advised they would be conducting a full DEA Audit Inspection to Mike and Myself.

- Licenses reviewed No exceptions
- POA's reviewed No exceptions
- Bi-Annual Inventory Report No exceptions
- Random review of 106 file No exceptions
- The following 5 Items audited for a period covering the last 6 Months:
  1. 003880229 Methadone HCL 10MG
  2. 003881099 Oxycontin C/R 10MG
  3. 003881113 Oxycontin C/R 40MG
  4. 003881106 Oxycontin C/R 20MG
  5. 003881120 Oxycontin C/R 80MG

All 5 Items balanced correctly and a end of day count was conducted on these items to validate the audit. No Exceptions

- Camera's reviewed No exceptions
- Alarms tested No exceptions
- Physical review of Cage and Vault No exceptions
- Random review of 222 forms No exceptions
- Records Retention No exceptions
- Power of Attorney Records No exceptions
- Receiving Process Reviewed No exceptions
- Agent Gadd stated that the reporting of information reference filings of 106's was thorough and timely.
- Monthly Drug Diversion Reports No exceptions

The agents in the end of day summary of findings was that their review did not identify any violations or areas of concern.

The agents left the facility @ 3:02PM 09/01/09

Jim Sherl Operations Manager-Logistics  
Pharmacy DC 6045  
Phone 479.273-7588 Fax 479.273-2809

jimmie.sherl@wal-mart.com  
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From: arsystem@wal-mart.com  
Sent: Wednesday, October 21, 2009 7:19 AM  
To: Jimmie Sherl  
Subject: Compliance Ticket has been closed

On 09/01/09 16:45:13, your facility either contacted the Compliance Hotline or submitted a Regulatory contact through the Compliance Visits or Alleged Violations form. This message is being sent to communicate that on 10/21/09 07:18:58, the below question/issue was marked closed. On Agency contacts submitted through the web form which had multiple issues, you will receive further communication for each issue as they are resolved. If you have any questions or feel that this issue is not resolved please contact our Compliance Hotline at 800-530-9923.

Site ID : 9044  
Submit Type : Online Form  
Incident Date : 09/01/09 00:00:00  
Agency Name : DEA  
:  
Agency Level : Federal-Field  
Contact Type : Visit - Inspection  
Category : Pharmacy  
Subcategory : General Contact  
Description 1 : No Issues or Recommendations Noted  
Description 2 :  
Description 3 :  
Description 4 :  
Description 5 :  
Fine : 0.00  
Resolution : No Issues to Resolve